

THE HONORABLE RICHARD A. JONES

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

BLACK LIVES MATTER SEATTLE-  
KING COUNTY, ABIE EKENEZAR,  
SHARON SAKAMOTO, MURACO  
KYASHNA-TOCHA, ALEXANDER  
WOLDEAB, AND ALEXANDRA CHEN,

Plaintiffs,

v.

CITY OF SEATTLE,

Defendant.

No. 2:20-cv-887

SUPPLEMENTAL DECLARATION OF  
DAVID A. PEREZ IN SUPPORT OF  
PLAINTIFFS' PETITION FOR  
ATTORNEYS' FEES

I, David A. Perez, declare and state as follows:

1. The information contained in this declaration is true and correct to the best of my knowledge, and I am of majority age and competent to testify about the matters set forth herein.

2. I am a partner at Perkins Coie LLP, and I serve as lead counsel for Plaintiffs in the above-entitled action. I submit this supplemental declaration in support of Plaintiffs' Petition for Attorneys' Fees.

3. I reviewed every time entry submitted to this Court and removed clerical or irrelevant entries. Each time entry submitted to this Court, including those that the City categorizes as "clerical"—such as "analyze City's letter," "attend case team meeting regarding strategy, next steps,

1 and assignments,” “review witness declarations,” and “strategy regarding joint submission,” among  
2 others—would be billed to a client in any standard matter.

3 4. I also removed duplicitous entries. For example, other associates who have  
4 performed significant work in this case stayed abreast of events leading to Plaintiffs’ Contempt  
5 Motion and helped assess strategy and attended strategy calls. However, I removed these associates’  
6 time entries if they were not actively involved in the development of Plaintiffs’ fact-gathering and  
7 briefing.

8 5. The suggestion that Perkins Coie “overstaffed” this case is without merit. I staffed  
9 this case as I would for any client, particularly given the complex and time-sensitive issues this case  
10 presents. Notably, I am the *sole partner* on the matter. By contrast, the City’s Response is signed by  
11 four partners at the Christie Law Group, and two senior Assistant City Attorneys.

12 6. Eight associates worked on these contempt proceedings, to varying degrees. Most  
13 hours are billed by two mid-level associates: Rachel Haney and Carolyn Gilbert. When possible,  
14 they delegated work to junior associates.

15 7. As the City has acknowledged numerous times, the contempt proceedings were  
16 highly fact-intensive, both in building the facts necessary to bring Plaintiffs’ motion and in reviewing  
17 the City’s evidence.

18 8. Bringing contempt against the City was not an easy decision, and marshalling the  
19 evidence, legal research, and arguments necessary to prevail on our motion required a significant  
20 amount of work. Our team worked nights and weekends, interviewing witnesses, reviewing videos  
21 and documentary evidence, and performing legal research. We are proud that these associates raised  
22 their hands to work on this very important case.

23 9. The hourly rates submitted to this Court are the standard rates that Perkins Coie  
24 charges for work performed by each attorney to a paying client billed by the hour.  
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10. The City refers to my hourly rate (\$515) for my work with the Seattle Community Police Commission (“CPC”) and for the work of an associate Anna Thompson (\$350).<sup>1</sup> See ECF 176 at 3; Declaration of Ghazal Sharifi (“Sharifi Decl.”) ¶ 3. The City is not being candid with the Court, and their representations are highly misleading.

11. First, the rates I charge the CPC are deeply discounted from my hourly rates for other clients, including public entities and nonprofit organizations. That was a one-time decision we made as a firm given the importance of the Consent Decree case, and is not at all reflective of what we would charge other clients. Perkins Coie should not be penalized in this case for trying to give the Community Police Commission a discount.

12. Second, and more importantly, the rates we charge the CPC were set *in 2018* (before I became partner), and haven’t changed since then out of a courtesy to the CPC. But I am now a partner, and those rates are nearly three years old. Again, Perkins Coie should not be penalized for extending a courtesy to the CPC, and freezing its 2018 rates for the purposes of the Consent Decree case.

13. Further, the City references rates that this Court awarded Perkins Coie attorneys in the matter *Wagafe v. Trump*, No. 2:17-v-00994, ECF 356. See ECF 176 at 4, Sharifi Decl. ¶ 4. Once again, the hourly rates that this Court determined were reasonable in that matter were from 2018. My hourly rate of \$575 was before I became a partner in 2019. The rates utilized in that matter were also lower than that which we typically bill our clients.<sup>2</sup>

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<sup>1</sup> Contrary to the City’s representations, Ms. Thompson and Ms. Gilbert are in the same associate class year.

<sup>2</sup> The City recognizes in its Response that the appropriate analysis is the standard rate charged to paid clients. See ECF 176 at 3 (citing *Perdue v. Kenny A. ex rel. Winn*, 559 U.S. 542, 551, 130 S. Ct. 1662 (2010) and *Welch v. Metropolitan Life Ins. Co.*, 480 F.3d 942, 946 (9th Cir. 2007) for the rule that that courts apply rates that private attorneys would charge their paying clients on work of similar complexity).

1 Executed this 21st day of December 2020 at Seattle, Washington.

2 I declare under penalty of perjury under the laws of the United States and the State of  
3 Washington that the foregoing is true and correct.

4  
5 By: s/ David Perez

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